

FW: 1323 E Street SE Parking Area in Public Space

Satisfied

Matt LeGrant ML



KF

From: Kyrus.Freeman@hklaw.com <Kyrus.Freeman@hklaw.com>
 Sent: Tuesday, June 29, 2021 7:02 PM
 To: LeGrant, Matt (DCRA) <matthew.legrant@dc.gov>; Bolden, Tarek (DCRA) <tarek.bolden@dc.gov>
 Cc: josh@doordash.com
 Subject: RE: 1323 E Street SE Parking Area in Public Space
 Importance: High

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Mr. LeGrant and Mr. Bolden:

In response to Commissioner Holman's email below, I am writing to confirm that the re-stripped parking spaces are dimensioned to the property line and do not extend into public space, as demonstrated in the attachment.

The first image demonstrates that the stripes are 17ft from the existing ADA ramp. The second image demonstrates that the striping stops at the edge of our lot/at the end of the porch of the home adjacent to the site. The third image is a plan view showing the dimensions of the parking spaces. The attached photos and the plan demonstrate that the parking space striping do not extend beyond the property line.

Also, we continue to maintain that there is no legal basis to revoke the issued building permit. First, to the extent that the existing parking and loading do not comply with the Zoning Regulations, those conditions are grandfathered and can continue. Second, Door Dash's proposed interior renovation work does not trigger any new or increased parking or loading obligations.

As you know, Subtitle C, Section 201.2 of the Zoning Regulations states that any nonconforming use of land "may be continued, operated, occupied, or maintained, subject to the provisions of this chapter." To the extent that the existing parking and loading do not comply with the current Zoning Regulations, there is nothing about Door Dash's proposed use or interior renovation work that triggers or requires a change to these existing conditions.

With respect to loading, we have documented that since at least 1980, the existing loading has been non-confirming for multiple uses that required a loading berth and platform. Door Dash's use does not trigger any new or additional loading compared to the prior uses. Thus, based on Subtitle C, Section 201.2, the Zoning Regulations allow Door Dash to continue to use the existing loading without triggering the need for any zoning relief.

With respect to parking, Subtitle C. Section 705.1 states: "Additional parking spaces shall be required only when the minimum number of parking spaces required for the new use exceeds the number of spaces required for the prior use that occupied the same gross floor area."

"Based upon prior CofO's, our new use will not generate more required parking spaces than the previous use; based on Subtitle C, Sections 701.5, 702.1 (a), and 712.3 of ZR 16, Door Dash's use only requires 2 parking spaces, 1 @ 9' X 18' and 1 allowed to be 8' X 16' which is not more than those required for the previous use".

Board of Zoning Adjustment
 City of Columbia
 CASE NO. 20549
 EXHIBIT NO. 55B

Therefore, although the existing parking spaces are non-conforming with respect to number and size under ZR 58, there are 2 parking spaces on the property that clearly meet the number and dimension requirements under ZR 16, which further demonstrates compliance with the parking number and dimension requirements.

Thank you for your attention to this matter, and we are happy to provide you any additional information needed regarding this matter.

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From: Holman, Corey (SMD 6B06) <6B06@anc.dc.gov<<mailto:6B06@anc.dc.gov>>>
Sent: Thursday, June 24, 2021 9:46 PM
To: LeGrant, Matt (DCRA) <matthew.legrant@dc.gov<<mailto:matthew.legrant@dc.gov>>>;
Bolden, Tarek (DCRA) <tarek.bolden@dc.gov<<mailto:tarek.bolden@dc.gov>>>
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josh@doordash.com<<mailto:josh@doordash.com>>
Subject: 1323 E Street SE Parking Area in Public Space

[External email]
Mr. LeGrant and Mr. Bolden,

As part of what I presume is a revision of building permit B2103902, DoorDash has painted 16 foot parking lines in the front yard and public space driveway of 1323 E Street SE. Regardless of ANC 6B's assertion and appeal that a zoning-compliant loading berth and platform are required based on the 1960 wall check which shows a loading platform and that 50% of all required parking spaces must be full size spaces, the photo in this email shows that the three required parking spots are about a foot into public space in stark violation of Subtitle C, Chapter 7. The tape measure is the public space line based on adjacent record lot creation. The applicant has not provided a site plan or plat, so this is all based on a series of related subdivisions, walls checks, and A&T redecorations and maybe we can get something from them at some point.

Again, I urge you to revoke permit B2103902 and require the applicant to acquire a special exception to the loading and parking requirements for this property and this change and expansion of use in the PDR-1 zone. ANC 6B stands by to be a ready partner in the process as we have in a number of loading and parking requirement cases in the last couple of years.

Thank you for your service,

Corey

Corey Holman
Commissioner, SMD 6B06
Chair, ANC 6B Planning and Zoning Committee
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